



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

**CITY OF SEATTLE
DEPARTMENT OF PLANNING & DEVELOPMENT
ANALYSIS AND DECISION OF THE DIRECTOR**

Application Number: 2200331
Applicant Name: John Speirs
Address of Proposal: 1200 Westlake Avenue North

SUMMARY OF PROPOSED ACTION*

Shoreline Substantial Development Permit to establish use as a passenger terminal for Argosy Cruises and construction of a small ticket booth (use and ticket booth already existing). The project includes the construction of a 178-foot pier with four 69-foot finger piers to accommodate the proposed use (pier is already constructed). The project also includes accessory parking for 54 vehicles (spaces are already existing).*

*The proposed number of parking spaces has been reduced to 46 as some of the spaces were not allowed in their proposed locations. The spaces will also be reconfigured to meet current Land Use Code requirements.

The following approvals are required:

Shoreline Substantial Development- To undertake substantial development in the Urban Stable environment. (Chapter 23.60.020, Seattle Municipal Code).

SEPA – (Chapter 25.05, Seattle Municipal Code)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

- Site Location: 1200 Westlake Avenue North
- Zoning: Commercial 2 with a 40 foot height limit (C2-40), US (Urban Stable, shoreline environment)
- Parcel Description: The property is located on a waterfront lot located on the west side of Lake Union. Current development on the site includes the ten-story Association of General Contractors building that includes administrative offices and a restaurant (McCormick & Schmick Harborside).
- Zoning in Vicinity: Zoning in the vicinity consists of Commercial 1 (C1) and Commercial 2 (C2), each with a 65 foot height limit, across Westlake Avenue North to the north and south respectively. North of Galer street the zoning changes to C2-65 with the parcel to the north of this site zoned at NC3-65. Parcels located along Lake Union in this general vicinity are zoned Commercial 2 with a 40 foot height limit and located in the Urban Stable (US) shoreline environment.
- Area Development: Surrounding Development along Lake Union includes Kenmore Air to the south and commercial businesses to the north. Commercial businesses are also located across Westlake Avenue.
- Proposal Description: The applicant proposes construction of a 178-foot pier with four 69-foot finger piers (already constructed) for the moorage of seven Argosy Cruise Ships. The proposal includes establishing the Argosy Cruises passenger terminal use to be operated from this pier. Also proposed is an additional 46 parking spaces directly west of the proposed pier on the southernmost portion of the site (parking spaces are also existing but not permitted).
- Prior Approvals: Prior Shoreline Substantial Development approval for this project in 1992 (DPD Project #9005588, Permit# 663863). Permit for Shoreline Substantial Development and the associated building permit application expired July 21, 1997.
- Other Approvals: Street use permits for sidewalks, street trees, curbs and gutters. Applicants have obtained the necessary permits from the Department of Ecology and the US Army Corps of Engineers and have also obtained a Department of Fisheries Hydraulic Project Approval Permit. These permits were acquired at the time of construction. Additional permits from these agencies will not be required.
- Public Comment: The City did not receive any comment letters during the comment period, which ended April 12, 2002.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter 173-27 WAC*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. THE POLICIES AND PROCEDURES OF 90.58 RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58.

B. THE REGULATIONS OF CHAPTER 23.60

In order to obtain a Shoreline Substantial Development Permit, the applicant must show that the proposal is consistent with the shoreline policies established in SMC 23.60.004 and meets the general development standards for uses in the shoreline area (SMC 23.60.152). Thus, the Director must determine that the proposed use is consistent with the applicable policies of shoreline master program and that it is a use allowed in the shoreline environment and that also meets the development standards for the underlying zone.

The subject property is a waterfront lot in the US environment, as designated by the Seattle Shoreline Master Program. The proposed use would be a Passenger Terminal use with accessory pier for Argosy Cruises and accessory parking. The proposed use is permitted outright in the underlying zone and in the shoreline environment. The construction of the structures and the parking area will be required to meet the specific development standards of the underlying C2-40 zone and in the US Shoreline Environment as set forth in section 23.47 and section 23.60.630 through 23.60.642 SMC as well as the policies and general development standards of the Seattle Shoreline Master Program.

SMC 23.60.004 - Shoreline Policies

The applicable Shoreline goals and policies that are a part of the Land Use Element of Seattle's Comprehensive Plan encourages water dependent uses and uses that provide shoreline recreation activities. The proposed Passenger Terminal use (Argosy Cruises) would fit the goals and policies of the shoreline district and Comprehensive Plan.

SMC 23.60.152 - Development Standards for all Environments

These general standards apply to all uses in the shoreline environments. The existing development was designed and constructed in an environmentally sound manner, consistent with the Shoreline Management Program. The alteration does not bring the development out of compliance with adopted guidelines, policies, and standards for protection of land and water in the shoreline environment. All ground disturbing activity will be subject to the Stormwater, Grading and Drainage Control Code (SMC 22.800). These reviews place considerable emphasis on improving water quality; any new construction is reviewed with that objective. No aspect of the project intends discharge of contaminants into the air or water and no aspect of the proposal should present a threat to the ecology of the shoreline and would be consistent with the standards of SMC 23.60.152.

SMC 23.60.630 - Development Standards for the US Environment

The development, as proposed, is consistent with the development standards for the US environment. View corridors are required for this site (SMC 23.60.636). Section 23.60.162C allows for the Director's discretion if there is no available clear view of the water from the street or if existing development or topography blocks any possible view from the street. The existing recreational marina, fencing, landscaping and parking substantially blocks the view of the water from the street, therefore no additional view corridors are required.

C. THE PROVISIONS OF CHAPTER 173-27 WAC

Chapter 173-27 WAC sets forth permit requirements for development in shoreline environments and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

CONCLUSION

The proposal conforms to the general and specific development standards for development in the C2-40 zone, the US environment and with the policies and procedures of the WAC and RCW. Because it has been established that the proposed use and development conforms to the regulations of Chapter 23.60 of the Seattle Municipal Code, the permit should be approved.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed shoreline substantial development permit for construction of a pier, providing additional parking spaces and establishing a Passenger Terminal Use is **GRANTED WITH CONDITIONS.**

ANALYSIS - SEPA

The information in the environmental checklist, dated February 6, 2002 project plans and supplementary information regarding development standards provided by the proponent, and the experience of the Lead Agency with review of other projects form the basis for the following analysis.

The SEPA overview policies (SMC Section 25.05.665) clarify relationships between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority, except when other applicable federal, state and local regulations must be presumed to provide adequate mitigation. The overview policies state, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. The following analysis is consistent with the overview policies

Short-term Impacts

As noted earlier, the construction of the pier took place in 1992 and the Passenger Terminal use began in 1996. There is no additional construction proposed for the site, therefore there are no short term impacts anticipated.

Long-term Impacts

The anticipated long term impacts would include: increased water coverage (approx. 13,300 sq. feet of water surface area); and shading of water surface area. Because the pier and moorage have existed for approximately ten years the long term impacts would not be increased by the granting of this proposal. No perceptible change in height, bulk or scale would occur. No additional change relative to air quality, energy consumption, environmental health, housing, noise, plants and animals, soil erosion or parking availability is anticipated in the long term. Potential impacts relative to drainage patterns on site will be effectively mitigated by other codes. However, long-term impacts to traffic circulation could occur and further analysis is warranted.

Traffic

The Lake Cruises which cruise through Lake Union and Lake Washington are two hour cruises that depart during the following times: January 1 through April 3: 1:00 p.m. Saturday and Sunday only; April 4 to May 1: 1:00 p.m. Friday, Saturday and Sunday only; May 2 through June 5: 1:00 p.m. daily, Saturday and Sunday only 1:00 and 3:30 p.m.; June 6 through Sept 1:

11:00 a.m., 1:15 p.m. and 3:30 p.m. daily; September 2 through September 28: 1:00 p.m. daily; Saturday and Sunday only 1:00 p.m. and 3:30 p.m.; September 29 through December 31: 1:00 p.m. Friday, Saturday and Sunday only. The majority of the passengers arrive by car or taxi for these cruises and the vessel has a capacity of 90 people. The majority of arrivals and departures do not occur during rush hour traffic.

The second type of cruise available from this location is the Locks Cruise which is a two and one half hour cruise. Passengers always either board a boat at Pier 57 or board a bus at Pier 57. When passengers board a vessel at Pier 57 a bus returns them to Pier 57 from the AGC Marina. When boarding the boat at the AGC Marina passengers are transported to the marina by bus, board the vessel and cruise back to Pier 57.

The current Passenger Terminal use has been in existence for approximately seven years and there appears to be no evidence of adverse traffic impacts as a result of this use. No further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

CONDITIONS – SHORLINE SUBSTANTIAL DEVELOPMENT PERMIT

1. Maintain signage directing public to restrooms.
2. Maintain signage directing public to sewage pumpout locations.

Signature: (signature on file) Date: November 24, 2003
Lori Swallow, Land Use Planner
Department of Planning & Development

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